PTO/SB/17 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($) 320.00

Complete if Known	
Application Number	09/118,100
Filing Date	July 17, 1998
First Named Inventor	Hye-Young LEE
Examiner Name	Gary, Erika A
Group Art Unit	2685
Attorney Docket No.	678-139(P8415)

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
   - Deposit Account Number: 04-1121
   - Deposit Account Name: DILWORTH & BARRESE, LLP
   - ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
   - ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ **Payment Enclosed:** ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =	0	X	$18	=$0
Independent Claims	- 3** =	0	X	$84	=0
Multiple Dependent				$280	=0

***or number previously paid, if greater; For Reissues, see below*

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for *ex parte* reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	$320
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR §.1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 320.00

SUBMITTED BY

Complete *(if applicable)*

Name (Print/Type)	Paul J. Farrell	Registration No. (Attorney/Agent)	33,494	Telephone	(516) 228-8484
Signature	Paul J. Farrell			Date	11/13/02

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231 on November 13, 2002.

Dated: November 13, 2002 Barbara Evers

Barbara Evers

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hye-Young LEE

Examiner: Gary, Erika

Serial No.: 09/118,100

Group Art Unit: 2685

Filed: July 17, 1998

Docket: 678-139(P8415)

For: **MOBILE TELEPHONE CAPABLE OF DISPLAYING WORLD TIME AND METHOD FOR CONTROLLING THE SAME**

Dated: November 13, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Box AF

TRANSMITTAL OF APPELLANT'S BRIEF ON APPEAL

Sir:

Enclosed please find APPELLANT'S BRIEF in triplicate.

Also enclosed is a check in the amount of $320.00 to cover the appeal fee.

If the enclosed check is insufficient for any reason or becomes detached, please charge the required fee under 37 C.F.R. §1.17 to Deposit Account No. 04-1121. Also, in the event any additional extensions of time are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 04-1121. TWO COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Paul J. Farrell
Reg. No.: 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
516-228-8484

CERTIFICATE OF MAILING 37 C.F.R. §1.18(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage paid in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, Attn: Box AF on November 13, 2002

Dated: November 13, 2002

Barbara Evers
Barbara Evers

#23
11/21/02
DT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants:	Hye-Young LEE	Group Art Unit: 2685
Serial No.:	09/118,100	Examiner: Gary, Erika
Filed:	July 17, 1998	Docket: 678-139 (P8415)

For: **MOBILE TELEPHONE CAPABLE OF DISPLAYING WORLD TIME AND METHOD FOR CONTROLLING THE SAME**

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Box AF

APPEAL BRIEF

Sir:

REAL PARTY IN INTEREST

The real party in interest is Samsung Electronics Co, Ltd, the assignee of the subject application, having an office at 416, Maetan-Dong, Paldal-Gu, Suwon-City, Kyungki-Do, Republic Of Korea.

RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge and belief, there are no related appeals or interferences.

STATUS OF CLAIMS

Of the original Claims 1-12 filed, Claims 1 and 6 were amended and Claims 4 and 10 were cancelled without prejudice in Amendment filed August 30, 2000, Claims 1 and 6 were amended and Claims 3 and 9 were cancelled without prejudice in Preliminary Amendment filed April 2, 2001, Claims 1 and 6 were amended in Amendment filed July 24, 2002. Thus, Claims 1,

---

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8 (a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Assistant Commissioner of Patents, Washington, DC 20231, Attn: Box AF on November 13, 2002.
Dated: November 13, 2002

Barbara Evers

2, 5-8, 11 and 12 are pending in the Application.

STATUS OF AMENDMENTS

Thus, the Appendix to this Appeal Brief includes independent Claims 1 and 6 as amended by the July 24, 2002 Amendment, along with dependent Claims 2, 5, 7, 8, 11 and 12 as originally filed.[1]

SUMMARY OF THE INVENTION

The invention relates to an apparatus for displaying local time information of a city in the same or different time zone than where the device is physically located. As recited in Claim 1, the apparatus has means for storing Greenwich Mean Time (GMT) information for each of a plurality of cities. The GMT information for each of the plurality of cities is stored in a memory, and accessed for calculating the local time of a city.

Also recited in Claim 1, the apparatus has means for receiving a reference time from a signal received from a remote system. The reference time as defined by the specification and the prosecution history, contains a current local time and the GMT of the physical location of the apparatus. The reference time is stored in a memory. Also recited in Claim 1, the apparatus has means for counting a duration of time that elapses from when said reference time is acquired. The reference time and the elapsed time are used to calculate the local time of a city.

Also recited in Claim 1, the apparatus has means for selecting at least one of said plurality of cities. A user, desiring to know the local time of a particular city, selects the city from a list of cities.

Claim 1 also recites that the apparatus has means for automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time. This local time calculation is done automatically after the city is selected. The

[1] The Advisory Action mailed August 9, 2002 states that the Amendment was "filed" on July 30, 2002. Although it is not stated whether or not the amendments contained in the July 24, 2002 Amendment will be entered for purposes of the Appeal, further discussion will clarify issues relating to the amendments contained in the July 24, 2002 Amendment.

calculation is based on four distinctly claimed parameters, namely, GMT of the selected city, GMT of the present location of the apparatus, the reference time, and the elapsed time.

Finally, Claim 1 also recites that the apparatus has means for outputting said local time.

ISSUE

Whether Claims 1 and 6 are unpatentable over U.S. Patent 6,108,277 to Whitmore ("Whitmore") in view of U.S. Patent 5,375,018 to Klausner et al. ("Klausner").

GROUPING OF CLAIMS

Claims 1 and 6 are in independent form. For the purposes of this appeal, Claims 2, 5, 6-8, 11 and 12 stand or fall together with Claim 1. Claim 1 is an apparatus claim, and Claim 6 is a method claim.

ARGUMENT

Independent Claim 1 was said to be unpatentable over Whitmore in view of Klausner. (See, paragraph 2 at pp. 2-3 of the final Office Action of April 24, 2002, paper no. 18 (hereinafter "Final Office Action")[2]). Whitmore discloses a celestial timepiece assembly having a conversion facility for converting GMT to current local time of a plurality of geographic sites. Klausner et al. discloses a location acquisition and time adjusting device based on broadcast radiowave frequencies at a location. The Klausner device stores a table of locations for radio stations that broadcast at the radiowave frequencies.

The Examiner states in the Final Office Action that Whitmore discloses all of the elements of Claim 1 except that "the reference time is acquired time from a signal *received* from a remote system"[3], which, it is alleged, is disclosed by Klausner. (Final Office Action, paragraph

---

[2] The rejections in the Final Office Action were summarily affirmed by the Examiner in the Advisory Action of August 9, 2002.

[3] In the Amendment filed on July 24, 2002, and entered on filing the Notice of Appeal, "acquiring" in Claims 1 and 6 was changed to read "receiving". Even though "acquire" and "receive" are synonyms, the change was made in an attempt to use form over substance to clarify the claimed invention to the Examiner. It needs to be noted that there have been several telephone interviews with the Examiner discussing the distinctions of various cited references and the claimed invention. After each such interview, an amendment was made and filed based on recommendations of the Examiner. After each such filing, the Examiner again rejected the claims. It is clear from the specification that the reference time is acquired from the remote system. The received reference time is used directly in the calculation

2, page 3.) Applicant asserts that the Klausner device first receives a plurality of radio frequency (RF) signals transmitted from local radio stations, compares those received RF signals with RF signal information stored in its memory, and then calculates the time of the device using the matching RF signal information and information stored in its memory. A reference time itself is never acquired or received in the Klausner device. The Klausner device "retrieves the time and location information in the memory storage which corresponds to the detected radiowave frequencies." (Klausner, col. 1, lines 52-54.) Claim 1 of the pending application recites receiving (or acquiring) a reference time from a remote system. The reference time is received/acquired and is used directly in the calculation of the local time of the selected city. There is no receipt of radiowave frequencies in the present invention. In the present invention there is no comparison of the received radiowave frequencies to signal information stored in a memory storage. For that matter there is no requirement to use valuable memory capacity for storing signal information in the present invention. The Examiner, after almost three (3) years of examination, has yet to cite a reference that can properly support a rejection of Claim 1. Claim 1 must be allowed.

Secondly, the Examiner has yet to provide a reference or references to properly reject that section of Claim 1 that recites, "automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time". These four distinctly claimed elements of the calculation are not taught or disclosed by any of the references cited to date. The device disclosed in the Whitmore reference contains a database that comprises a conversion table between GMT and the current local time at one of the various pre-determined geographical locations. (Whitmore, col. 8, lines 36-38.) Again, Claim 1 must be allowed.

In order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claim 1 are taught in or

---

of the local time of the selected city.

suggested by the prior art. The Examiner has failed to make out a prima facia case for an obviousness rejection.

As noted, Claims 2, 5, 6-8, 11 and 12 stand or fall together with independent Claim 1 and are thus also allowable.

Independent Claims 1 and 6 are not rendered unpatentable by Whitmore in view of Klausner. Thus Claims 1, 2, 5-8, 11 and 12 are allowable.

Dated: November 13, 2002

By: _____
Paul J. Farrell
Reg. No.: 33,494
Attorney for Applicant

DILWORTH & BARRESE. LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)

APPENDIX
CLAIMS ON APPEAL

1. An apparatus for displaying local time information, comprising:

means for storing Greenwich mean time (GMT) information for each of a plurality of cities;

means for receiving a reference time from a signal received from a remote system;

means for counting a duration of time that elapses from when said reference time is acquired;

means for selecting at least one of said plurality of cities and automatically calculating a local time of said selected city, said local time being based on a difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and

means for outputting said local time.

2. The apparatus of claim 1, wherein said apparatus is a mobile telephone.

5. The apparatus of claim 2, wherein said reference time is a system time acquired from a sync channel message received by said mobile cellular phone from a base station of a CDMA (Code Division Multiple Access) cellular system.

6. In an apparatus having a display and a memory for storing Greenwich mean time (GMT) information for each of a plurality of cities, a method for generating local time information, comprising the steps of:

receiving a reference time from a signal received from a remote system;

counting a time which elapses from said acquiring of said reference time;

selecting at least one of said plurality of cities;

automatically calculating a local time of said selected city based on the difference between the GMT of said selected city and the GMT of a present location of said apparatus, said reference time and said elapsed time; and

displaying said calculated local time.

7. The method of claim 6, further comprising the step of displaying a message to set a reference time if said step of setting a reference time does not occur.

8. The method of claim 6, wherein said step of selecting includes the substeps of:
displaying a list of said plurality of cities; and
scrolling through said list to select a desired one of said plurality of cities.

11. The method of claim 6, wherein said apparatus is a mobile telephone.

12. The method of claim 11, wherein said reference time is a system time acquired from a sync channel message received from a base station of a CDMA cellular system.